

House _____ Amendment NO. _____

Offered By

1 AMEND Senate Substitute for Senate Committee Substitute for Senate Bill No. 241, Page 1, In the
2 Title, Line 1, by inserting after "RSMo," the following: "and section 393.150 as truly agreed to and
3 finally passed by senate committee substitute for senate bill no. 240, ninety-seventh general
4 assembly, first regular session,"; and

5
6 Further amend said bill, Page 1, Section A, Line 1, by inserting after "RSMo," the following: "and
7 section 393.150 as truly agreed to and finally passed by senate committee substitute for senate bill
8 no. 240, ninety-seventh general assembly, first regular session,"; and

9
10 Further amend said bill, Pages 1 through 24, Sections 67.1830, 67.1836, 67.1838, 67.1842, 67.5090,
11 67.5092, 67.5094, 67.5096, 67.5098, 67.5100, 67.5102, 67.5103, 67.5104, 389.585, 389.586,
12 389.587, 389.588, 389.589, and 389.591, by deleting all of said sections from the bill and inserting
13 in lieu thereof the following:

14
15 "67.5102. In accordance with the policies of this state to further the deployment of wireless
16 communications infrastructure:

17 (1) An authority may not institute any moratorium on the permitting, construction, or
18 issuance of approval of new wireless support structures, substantial modifications of wireless support
19 structures, or collocations if such moratorium exceeds six months in length and if the legislative act
20 establishing it fails to state reasonable grounds and good cause for such moratorium. No such
21 moratorium shall affect an already pending application;

22 (2) To encourage applicants to request construction of new wireless support structures on
23 public lands and to increase local revenues:

24 (a) An authority may not charge a wireless service provider or wireless infrastructure
25 provider any rental, license, or other fee to locate a wireless support structure on an authority's
26 property in excess of the current market rates for rental or use of similarly situated property. If the
27 applicant and the authority do not agree on the applicable market rate for any such public land and
28 cannot agree on a process by which to derive the applicable market rate for any such public land,
29 then the market rate will be determined by a panel of three certified appraisers licensed under chapter
30 339, using the following process. Each party will appoint one certified appraiser to the panel, and
31 the two certified appraisers so appointed will appoint a third certified appraiser. Each appraiser will
32 independently appraise the appropriate lease rate, and the market rate shall be set at the mid-point
33 between the highest and lowest market rates among the three independent appraisals, provided the
34 mid-point between the highest and lowest appraisals is greater than or less than ten percent of the

Action Taken _____ Date _____

1 appraisal of the third appraiser chosen by the parties' appointed appraisers. In such case, the third
 2 appraisal will determine the rate for the lease. The appraisal process shall be concluded within
 3 ninety calendar days from the date the applicant first tenders its proposed lease rate to the authority.
 4 Each party will bear the cost of its own appointed appraiser, and the parties shall share equally the
 5 cost of the third appraiser chosen by the two appointed appraisers. Nothing in this paragraph shall
 6 bar an applicant and an authority from agreeing to reasonable, periodic reviews and adjustments of
 7 current market rates during the term of a lease or contract to use an authority's property; and

8 (b) An authority may not offer a lease or contract to use public lands to locate a wireless
 9 support structure on an authority's property that is less than fifteen years in duration unless the
 10 applicant agrees to accept a lease or contract of less than fifteen years in duration;

11 (3) Nothing in subsection 2 of this section is intended to limit an authority's lawful exercise
 12 of zoning, land use, or planning and permitting authority with respect to applications for new
 13 wireless support structures on an authority's property under subsection 1 of section 67.5096. "; and
 14

15 Further amend said bill, Page 24, Section 389.591, Line 9, by inserting after all of said line the
 16 following:

17 "[393.150. 1. Whenever there shall be filed with the commission by any gas corporation,
 18 electrical corporation, water corporation or sewer corporation any schedule stating a new rate or
 19 charge, or any new form of contract or agreement, or any new rule, regulation or practice relating to
 20 any rate, charge or service or to any general privilege or facility, the commission shall have, and it is
 21 hereby given, authority, either upon complaint or upon its own initiative without complaint, at once,
 22 and if it so orders without answer or other formal pleading by the interested gas corporation,
 23 electrical corporation, water corporation or sewer corporation, but upon reasonable notice, to enter
 24 upon a hearing concerning the propriety of such rate, charge, form of contract or agreement, rule,
 25 regulation or practice, and pending such hearing and the decision thereon, the commission upon
 26 filing with such schedule, and delivering to the gas corporation, electrical corporation, water
 27 corporation or sewer corporation affected thereby, a statement in writing of its reasons for such
 28 suspension, may suspend the operation of such schedule and defer the use of such rate, charge, form
 29 of contract or agreement, rule, regulation or practice, but not for a longer period than one hundred
 30 and twenty days beyond the time when such rate, charge, form of contract or agreement, rule,
 31 regulation or practice would otherwise go into effect; and after full hearing, whether completed
 32 before or after the rate, charge, form of contract or agreement, rule, regulation or practice goes into
 33 effect, the commission may make such order in reference to such rate, charge, form of contract or
 34 agreement, rule, regulation or practice as would be proper in a proceeding initiated after the rate,
 35 charge, form of contract or agreement, rule, regulation or practice had become effective.

36 2. If any such hearing cannot be concluded within the period of suspension, as above stated,
 37 the commission may, in its discretion, extend the time of suspension for a further period not
 38 exceeding six months. At any hearing involving a rate sought to be increased, the burden of proof to
 39 show that the increased rate or proposed increased rate is just and reasonable shall be upon the gas
 40 corporation, electrical corporation, water corporation or sewer corporation, and the commission shall
 41 give to the hearing and decision of such questions preference over all other questions pending before
 42 it and decide the same as speedily as possible.

43 3. The commission order or decision shall specify the annual amount of net write-offs
 44 incurred by the gas corporation in providing service to system sales customers as of the date
 45 revenues, rate base, and expenses were last updated or trued-up in the general rate case proceeding.

1 The gas corporation shall thereafter defer and accumulate for future recovery from or return to
2 customers ninety percent of the net increase or decrease in the annual amount of such net write-offs
3 for system sales customers from the date revenues, rate base, and expenses were last updated or
4 trued-up in the general rate case proceeding until the date revenues, rate base, and expenses are
5 updated or trued-up in the gas corporation's next general rate case proceeding. Subject to a review of
6 the reasonableness and prudence of the gas corporation's collection practices, the amounts so
7 deferred shall be recovered from or returned to system sales customers through a positive or negative
8 rate base adjustment designed to recover or returned such amounts over a period not to exceed five
9 years.]"; and

10
11 Further amend said bill by amending the title, enacting clause, and intersectional references
12 accordingly.
13